

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 1, delete lines 1 through 6.
- 2 Page 93, line 40, strike "board of tax and capital projects review"
- 3 and insert "**council**".
- 4 Page 94, line 6, strike "board of tax and capital projects review" and
- 5 insert "**council**".
- 6 Page 95, between lines 14 and 15, begin a new paragraph and insert:
- 7 "SECTION 108. IC 6-1.1-17-5, AS AMENDED BY P.L.219-2007,
- 8 SECTION 50, AND AS AMENDED BY P.L.224-2007, SECTION 6,
- 9 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 10 [EFFECTIVE JANUARY 1, 2009]: Sec. 5. (a) The officers of political
- 11 subdivisions shall meet each year to fix the budget, tax rate, and tax
- 12 levy of their respective subdivisions for the ensuing budget year as
- 13 follows:
- 14 *(1) The fiscal body of a consolidated city and county, not later*
- 15 *than the last meeting of the fiscal body in September.*
- 16 *(2) The fiscal body of a municipality, not later than September 30:*
- 17 ~~(3) (1)~~ (1) The board of school trustees of a school corporation that
- 18 is located in a city having a population of more than one hundred
- 19 five thousand (105,000) but less than one hundred twenty
- 20 thousand (120,000), not later than:
- 21 (A) the time required in section 5.6(b) of this chapter; or
- 22 (B) September ~~20~~ 30 if a resolution adopted under section
- 23 5.6(d) of this chapter is in effect.
- 24 ~~(4)~~ (2) The proper officers of all other political subdivisions, not

1 later than September ~~20~~ 30.

2 Except in a consolidated city and county and in a second class city, the
3 public hearing required by section 3 of this chapter must be completed
4 at least ten (10) days before the proper officers of the political
5 subdivision meet to fix the budget, tax rate, and tax levy. In a
6 consolidated city and county and in a second class city, that public
7 hearing, by any committee or by the entire fiscal body, may be held at
8 any time after introduction of the budget.

9 (b) Ten (10) or more taxpayers may object to a budget, tax rate, or
10 tax levy of a political subdivision fixed under subsection (a) by filing
11 an objection petition with the proper officers of the political
12 subdivision not more than seven (7) days after the hearing. The
13 objection petition must specifically identify the provisions of the
14 budget, tax rate, and tax levy to which the taxpayers object.

15 (c) If a petition is filed under subsection (b), the fiscal body of the
16 political subdivision shall adopt with its budget a finding concerning
17 the objections in the petition and any testimony presented at the
18 adoption hearing.

19 (d) This subsection does not apply to a school corporation. Each
20 year at least two (2) days before the first meeting *after September 20*
21 *of the county board of tax adjustment (before January 1, 2009) or the*
22 *county board of tax and capital projects review council (after*
23 *December 31, 2008), held under IC 6-1.1-29-4*, a political subdivision
24 shall file with the county auditor:

25 (1) a statement of the tax rate and levy fixed by the political
26 subdivision for the ensuing budget year;

27 (2) two (2) copies of the budget adopted by the political
28 subdivision for the ensuing budget year; and

29 (3) two (2) copies of any findings adopted under subsection (c).

30 Each year the county auditor shall present these items to the county
31 board of tax adjustment *(before January 1, 2009) or the county board*
32 *of tax and capital projects review council (after December 31, 2008)*
33 *at the board's or council's first meeting under IC 6-1.1-29-4 after*
34 *September 20 of that year.*

35 (e) In a consolidated city and county and in a second class city, the
36 clerk of the fiscal body shall, notwithstanding subsection (d), file the
37 adopted budget and tax ordinances with the county board of tax
38 adjustment *(before January 1, 2009) or the county board of tax and*
39 *capital projects review council (after December 31, 2008)* within two
40 (2) days after the ordinances are signed by the executive, or within two
41 (2) days after action is taken by the fiscal body to override a veto of the
42 ordinances, whichever is later.

43 (f) If a fiscal body does not fix the budget, tax rate, and tax levy of
44 the political subdivisions for the ensuing budget year as required under
45 this section, the most recent annual appropriations and annual tax levy
46 are continued for the ensuing budget year.

SECTION 109. IC 6-1.1-17-5.6, AS AMENDED BY P.L.219-2007, SECTION 51, AND AS AMENDED BY P.L.224-2007, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE January 1, 2009]: Sec. 5.6. (a) This section applies only to a school corporation that is located in a city having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000).

(b) Before February 1 of each year, the officers of the school corporation shall meet to fix the budget for the school corporation for the ensuing budget year, with notice given by the same officers. However, if a resolution adopted under subsection (d) is in effect, the officers shall meet to fix the budget for the ensuing budget year before September ~~20~~ 30.

(c) Each year, at least two (2) days before the first meeting *after September 20* of the county board of tax adjustment (*before January 1, 2009*) or the county ~~board of tax and capital projects review~~ **council** (*after December 31, 2008*), ~~held under IC 6-1.1-29-4~~, the school corporation shall file with the county auditor:

- (1) a statement of the tax rate and tax levy fixed by the school corporation for the ensuing budget year;
- (2) two (2) copies of the budget adopted by the school corporation for the ensuing budget year; and
- (3) any written notification from the department of local government finance under section 16(i) of this chapter that specifies a proposed revision, reduction, or increase in the budget adopted by the school corporation for the ensuing budget year.

Each year the county auditor shall present these items to the county board of tax adjustment (*before January 1, 2009*) or the county ~~board of tax and capital projects review~~ **council** (*after December 31, 2008*) at the board's **or council's** first meeting *after September 20 of that year*.

(d) The governing body of the school corporation may adopt a resolution to cease using a school year budget year and return to using a calendar year budget year. A resolution adopted under this subsection must be adopted after January 1 and before July 1. The school corporation's initial calendar year budget year following the adoption of a resolution under this subsection begins on January 1 of the year following the year the resolution is adopted. The first six (6) months of the initial calendar year budget for the school corporation must be consistent with the last six (6) months of the final school year budget fixed by the department of local government finance before the adoption of a resolution under this subsection.

(e) A resolution adopted under subsection (d) may be rescinded by a subsequent resolution adopted by the governing body. If the governing body of the school corporation rescinds a resolution adopted under subsection (d) and returns to a school year budget year, the

1 school corporation's initial school year budget year begins on July 1
 2 following the adoption of the rescinding resolution and ends on June
 3 30 of the following year. The first six (6) months of the initial school
 4 year budget for the school corporation must be consistent with the last
 5 six (6) months of the last calendar year budget fixed by the department
 6 of local government finance before the adoption of a rescinding
 7 resolution under this subsection."

8 Page 95, line 18, strike "board of tax and capital projects".

9 Page 95, line 19, before "(after" strike "review" and insert "**council**".

10 Page 95, line 20, after "subdivision" insert "**(other than a county)**".

11 Page 95, line 21, after "board" insert "**or council**".

12 Page 95, line 32, strike "board of tax and capital projects review"
 13 and insert "**council**".

14 Page 95, line 38, strike "board of tax and capital projects review"
 15 and insert "**council**".

16 Page 95, line 41, after "board" insert "**or council**".

17 Page 96, line 1, after "of the" delete "county".

18 Page 96, line 2, after "board" insert "**or council**".

19 Page 96, line 11, delete "board of tax and capital projects review"
 20 and insert "**council**".

21 Page 96, line 18, strike "board of tax and".

22 Page 96, line 19, strike "capital projects review" and insert
 23 "**council**".

24 Page 96, line 20, delete "." and insert "**or council**".

25 Page 96, line 24, delete "county".

26 Page 96, line 24, after "board" insert "**or council**".

27 Page 96, line 29, strike "board of tax and capital projects".

28 Page 96, line 30, strike "review" and insert "**council**".

29 Page 96, line 32, strike "county".

30 Page 96, line 32, after "board" insert "**or council**".

31 Page 96, line 34, after "board" insert "**or council**".

32 Page 96, line 41, strike "county".

33 Page 96, line 41, after "board" insert "**or council**".

34 Page 97, line 8, delete "county".

35 Page 97, line 8, after "board" insert "**or council**".

36 Page 97, line 14, strike "board of tax and".

37 Page 97, line 15, strike "capital projects review" and insert
 38 "**council**".

39 Page 97, line 27, strike "board of tax and capital projects".

40 Page 97, line 28, strike "review" and insert "**council**".

41 Page 97, line 42, delete "board of tax and capital projects review"
 42 and insert "**council**".

43 Page 98, line 25, delete "board of tax and" and insert "**council**".

44 Page 98, line 26, delete "capital projects review".

45 Page 98, line 33, delete "board of tax and capital projects" and insert
 46 "**council**".

- 1 Page 98, line 34, delete "review".
- 2 Page 99, line 4, delete "board of tax and capital projects review" and
- 3 insert "**council**".
- 4 Page 99, line 7, delete "board of tax" and insert "**council**".
- 5 Page 99, line 8, delete "and capital projects review".
- 6 Page 99, line 16, delete "board of tax and" and insert "**council**".
- 7 Page 99, line 17, delete "capital projects review".
- 8 Page 101, line 9, strike "board of tax and capital projects review"
- 9 and insert "**council**".
- 10 Page 101, delete lines 15 through 42, begin a new paragraph and
- 11 insert:
- 12 "SECTION 119. IC 6-1.1-18-5 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. (a) If the proper
- 14 officers of a political subdivision desire to appropriate more money for
- 15 a particular year than the amount prescribed in the budget for that year
- 16 as finally determined under this article, they shall give notice of their
- 17 proposed additional appropriation. The notice shall state the time and
- 18 place at which a public hearing will be held on the proposal. The notice
- 19 shall be given once in accordance with IC 5-3-1-2(b).
- 20 (b) If the additional appropriation by the political subdivision is
- 21 made from a fund that receives:
- 22 (1) distributions from the motor vehicle highway account
- 23 established under IC 8-14-1-1 or the local road and street account
- 24 established under IC 8-14-2-4; or
- 25 (2) revenue from property taxes levied under IC 6-1.1;
- 26 the political subdivision must report the additional appropriation to the
- 27 ~~department of local government finance~~ **county council**. If the
- 28 additional appropriation is made from a fund described under this
- 29 subsection, subsections (f), (g), (h), and (i) apply to the political
- 30 subdivision.
- 31 (c) However, if the additional appropriation is not made from a fund
- 32 described under subsection (b), subsections (f), (g), (h), and (i) do not
- 33 apply to the political subdivision. Subsections (f), (g), (h), and (i) do
- 34 not apply to an additional appropriation made from the cumulative
- 35 bridge fund if the appropriation meets the requirements under
- 36 IC 8-16-3-3(c).
- 37 (d) A political subdivision may make an additional appropriation
- 38 without approval of the ~~department of local government finance~~ **county**
- 39 **council** if the additional appropriation is made from a fund that is not
- 40 described under subsection (b). However, the fiscal officer of the
- 41 political subdivision shall report the additional appropriation to the
- 42 ~~department of local government finance~~ **county council**.
- 43 (e) After the public hearing, the proper officers of the political
- 44 subdivision shall file a certified copy of their final proposal and any
- 45 other relevant information to the ~~department of local government~~
- 46 ~~finance~~ **county council**.

(f) When the ~~department of local government finance~~ **county council** receives a certified copy of a proposal for an additional appropriation under subsection (e), the department shall determine whether sufficient funds are available or will be available for the proposal. The determination shall be made in writing and sent to the political subdivision not more than fifteen (15) days after the ~~department of local government finance~~ **county council** receives the proposal.

(g) In making the determination under subsection (f), the ~~department of local government finance~~ **county council** shall limit the amount of the additional appropriation to revenues available, or to be made available, which have not been previously appropriated.

(h) If the ~~department of local government finance~~ **county council** disapproves an additional appropriation under subsection (f), the ~~department~~ **county council** shall specify the reason for its disapproval on the determination sent to the political subdivision. **The determination of the county council is final.**

(i) A political subdivision may request a reconsideration of a determination of the ~~department of local government finance~~ **county council** under this section by filing a written request for reconsideration. A request for reconsideration must:

(1) be filed with the department of local government finance within fifteen (15) days of the receipt of the determination by the political subdivision; and

(2) state with reasonable specificity the reason for the request.

The department of local government finance must act on a request for reconsideration within fifteen (15) days of receiving the request: **in the manner specified by the county council.**"

Page 102, delete lines 1 through 40.

Page 103, line 26, delete "board of tax and capital projects review" and insert "**council**".

Page 103, line 35, delete "board of" and insert "**council**".

Page 103, delete line 36.

Page 105, line 18, delete "board of tax and capital projects review," and insert "**council**".

Page 105, line 33, delete "board of tax and" and insert "**council**".

Page 105, line 34, delete "project review,".

Page 105, line 36, delete "board of tax and capital projects review," and insert "**council**".

Page 106, line 3, delete "board of tax and capital projects review" and insert "**council**".

Page 106, line 6, delete "board of tax and capital projects review." and insert "**council**".

Page 106, line 9, delete "board of tax and capital projects review" and insert "**council**".

Page 106, line 12, delete "property tax".

1 Page 106, line 13, delete "replacement credits and".

2 Page 111, between lines 19 and 20, begin a new paragraph and
3 insert:

4 "SECTION 123. IC 6-1.1-18.5-7, AS AMENDED BY
5 P.L.224-2007, SECTION 21, IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. (a) A civil
7 taxing unit is not subject to the levy limits imposed by section 3 of this
8 chapter for an ensuing calendar year if the civil taxing unit did not
9 adopt an ad valorem property tax levy for the immediately preceding
10 calendar year.

11 (b) If under subsection (a) a civil taxing unit is not subject to the
12 levy limits imposed under section 3 of this chapter for a calendar year,
13 the civil taxing unit shall refer its proposed budget, ad valorem
14 property tax levy, and property tax rate for that calendar year to the
15 local government tax control board established by section 11 of this
16 chapter (before January 1, 2009) or the county ~~board of tax and capital~~
17 ~~projects review council~~ **council** (after December 31, 2008) before the tax levy
18 is advertised. The local government tax control board (before January
19 1, 2009) or the county ~~board of tax and capital projects review council~~
20 (after December 31, 2008) shall then review and make a
21 recommendation to the department of local government finance on the
22 civil taxing unit's budget, ad valorem property tax levy, and property
23 tax rate for that calendar year. The department of local government
24 finance shall make a final determination of the civil taxing unit's
25 budget, ad valorem property tax levy, and property tax rate for that
26 calendar year. However, a civil taxing unit may not impose a property
27 tax levy for a year if the unit did not exist as of March 1 of the
28 preceding year."

29 Page 112, line 20, strike "board of tax and capital projects review"
30 and insert "**council**".

31 Page 113, line 26, strike "board of tax and capital projects review".

32 Page 113, line 26, after "2008)" insert "**council**".

33 Page 113, delete lines 40 through 42, begin a new paragraph and
34 insert:

35 "SECTION 128. IC 6-1.1-18.5-17, AS AMENDED BY
36 P.L.219-2007, SECTION 57, IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 17. (a) As used
38 in this section, "levy excess" means the part of the ad valorem property
39 tax levy actually collected by a ~~civil~~ taxing unit, for taxes first due and
40 payable during a particular calendar year, that exceeds the ~~civil~~ taxing
41 unit's ad valorem property tax levy, as approved by the ~~department of~~
42 ~~local government finance~~ **county council** under IC 6-1.1-17. The term
43 does not include delinquent ad valorem property taxes collected during
44 a particular year that were assessed for an assessment date that
45 precedes the assessment date for the current year in which the ad
46 valorem property taxes are collected.

(b) A ~~civil~~ taxing unit's levy excess is valid and may not be contested on the grounds that it exceeds the ~~civil~~ taxing unit's levy limit for the applicable calendar year. However, the ~~civil~~ taxing unit shall deposit, except as provided in subsections (h) and (i), its levy excess in a special fund to be known as the ~~civil~~ taxing unit's levy excess fund.

(c) The chief fiscal officer of a ~~civil~~ taxing unit may invest money in the ~~civil~~ taxing unit's levy excess fund in the same manner in which money in the ~~civil~~ taxing unit's general fund may be invested. However, any income derived from investment of the money shall be deposited in and becomes a part of the levy excess fund.

(d) The ~~department of local government finance county council~~ shall require a ~~civil~~ taxing unit to include the amount in its levy excess fund in the ~~civil~~ taxing unit's budget fixed under IC 6-1.1-17.

(e) Except as provided by subsection (f), a ~~civil~~ taxing unit may not spend any money in its levy excess fund until the expenditure of the money has been included in a budget that has been approved by the ~~department of local government finance county council~~ under IC 6-1.1-17. For purposes of fixing its budget and for purposes of the ad valorem property tax levy limits imposed under this chapter, a ~~civil~~ taxing unit shall treat the money in its levy excess fund that the ~~department of local government finance county council~~ permits it to spend during a particular calendar year as part of its ad valorem property tax levy for that same calendar year.

(f) A ~~civil~~ taxing unit may transfer money from its levy excess fund to its other funds to reimburse those funds for amounts withheld from the ~~civil~~ taxing unit as a result of refunds paid under IC 6-1.1-26.

(g) Subject to the limitations imposed by this section, a ~~civil~~ taxing unit may use money in its levy excess fund for any lawful purpose for which money in any of its other funds may be used.

(h) If the amount that would, notwithstanding this subsection, be deposited in the levy excess fund of a ~~civil~~ taxing unit for a particular calendar year is less than one hundred dollars (\$100), no money shall be deposited in the levy excess fund of the unit for that year.

(i) This subsection applies only to a ~~civil~~ taxing unit that:

- (1) has a levy excess for a particular calendar year;
- (2) in the preceding calendar year experienced a shortfall in property tax collections below the ~~civil~~ taxing unit's property tax levy approved by the department of local government finance under IC 6-1.1-17; and
- (3) did not receive permission from the ~~local government tax control board county council~~ to impose, because of the shortfall in property tax collections in the preceding calendar year, a property tax levy that exceeds the limits imposed by section 3 of this chapter.

The amount that a civil taxing unit subject to this subsection must transfer to the civil taxing unit's levy excess fund in the calendar year

in which the excess is collected shall be reduced by the amount of the civil taxing unit's shortfall in property tax collections in the preceding calendar year (but the reduction may not exceed the amount of the civil taxing unit's levy excess).".

Delete page 114.

Page 115, delete lines 1 through 19.

Page 115, line 27, delete "board of tax and capital" and insert **"council"**.

Page 115, line 28, delete "projects review".

Page 116, line 9, delete "board of tax and capital projects review." and insert **"council"**.

Page 116, line 26, delete "board of tax and capital projects review" and insert **"council"**.

Page 116, line 29, delete "board of tax and capital projects" and insert **"council"**.

Page 116, line 30, delete "review".

Page 116, line 33, delete "board of tax and capital projects review" and insert **"council"**.

Page 116, line 34, delete "board of tax and capital" and insert **"council"**.

Page 116, line 35, delete "projects review".

Page 117, line 22, delete "board of tax and" and insert **"council"**.

Page 117, line 23, delete "capital projects review".

Page 117, line 33, delete "board of tax and capital projects review." and insert **"council"**.

Page 117, line 35, delete "board of tax and capital" and insert **"council"**.

Page 117, line 36, delete "projects review".

Page 118, between lines 7 and 8, begin a new paragraph and insert:
"SECTION 132. IC 6-1.1-20-5, AS AMENDED BY P.L.224-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. (a) When the proper officers of a political subdivision decide to issue bonds in a total amount which exceeds five thousand dollars (\$5,000), they shall give notice of the decision by:

(1) posting; and

(2) publication once each week for two (2) weeks.

The notice required by this section shall be posted in three (3) public places in the political subdivision and published in accordance with IC 5-3-1-4. The decision to issue bonds may be a preliminary decision.

(b) This subsection does not apply to bonds issued for a controlled project approved after December 31, 2008, by a county ~~board of tax and capital projects review~~ **council** under IC 6-1.1-29.5. Ten (10) or more taxpayers who will be affected by the proposed issuance of the bonds and who wish to object to the issuance on the grounds that it is unnecessary or excessive may file a petition in the office of the auditor of the county in which the political subdivision is located. The petition

1 must be filed within fifteen (15) days after the notice required by
 2 subsection (a) is given, and it must contain the objections of the
 3 taxpayers and facts which show that the proposed issue is unnecessary
 4 or excessive. When taxpayers file a petition in the manner prescribed
 5 in this subsection, the county auditor shall immediately forward a
 6 certified copy of the petition and any other relevant information to the
 7 department of local government finance.

8 SECTION 133. IC 6-1.1-20-7, AS AMENDED BY P.L.224-2007,
 9 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2009]: Sec. 7. (a) This section does not apply to bonds,
 11 notes, or warrants issued for a controlled project approved after
 12 December 31, 2008, by a county ~~board of tax and capital projects~~
 13 **review council** under IC 6-1.1-29.5.

14 (b) When the proper officers of a political subdivision decide to
 15 issue any bonds, notes, or warrants which will be payable from
 16 property taxes and which will bear interest in excess of eight percent
 17 (8%) per annum, the political subdivision shall submit the matter to the
 18 department of local government finance for review. The department of
 19 local government finance may either approve or disapprove the rate of
 20 interest.

21 SECTION 134. IC 6-1.1-20-9, AS AMENDED BY P.L.224-2007,
 22 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2009]: Sec. 9. (a) When the proper officers of a political
 24 subdivision decide to issue bonds payable from property taxes to
 25 finance a public improvement, they shall adopt an ordinance or
 26 resolution which sets forth their determination to issue the bonds.
 27 Except as provided in subsection (b), the political subdivision may not
 28 advertise for or receive bids for the construction of the improvement
 29 until the expiration of the latter of:

- 30 (1) the time period within which taxpayers may file a petition for
 31 review of or a remonstrance against the proposed issue; or
- 32 (2) the time period during which a petition for review of the
 33 proposed issue is pending before the department of local
 34 government finance (before January 1, 2009) or the county ~~board~~
 35 **of tax and capital projects review council** (after December 31,
 36 2008).

37 (b) This subsection applies before January 1, 2009. When a petition
 38 for review of a proposed issue is pending before the department of local
 39 government finance, the department may order the political subdivision
 40 to advertise for and receive bids for the construction of the public
 41 improvement. When the department of local government finance issues
 42 such an order, the political subdivision shall file a bid report with the
 43 department within five (5) days after the bids are received, and the
 44 department shall render a final decision on the proposed issue within
 45 fifteen (15) days after it receives the bid report. Notwithstanding the
 46 provisions of this subsection, a political subdivision may not enter into

1 a contract for the construction of a public improvement while a petition
2 for review of the bond issue which is to finance the improvement is
3 pending before the department of local government finance.

4 (c) This subsection applies after December 31, 2008. When a
5 petition for review of a proposed issue is pending before the county
6 ~~board of tax and capital projects review~~, **council**, the board may order
7 the political subdivision to advertise for and receive bids for the
8 construction of the public improvement. When the county ~~board of tax~~
9 ~~and capital projects review~~ **council** issues such an order, the political
10 subdivision shall file a bid report with the board within five (5) days
11 after the bids are received, and the board shall render a final decision
12 on the proposed issue within fifteen (15) days after it receives the bid
13 report. Notwithstanding the provisions of this subsection, a political
14 subdivision may not enter into a contract for the construction of a
15 public improvement while a petition for review of the bond issue that
16 is to finance the improvement is pending before the county ~~board of tax~~
17 ~~and capital projects review~~ **council**".

18 Page 134, between lines 41 and 42, begin a new paragraph and
19 insert:

20 "SECTION 145. IC 6-1.1-29.5-5, AS ADDED BY P.L.224-2007,
21 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JANUARY 1, 2009]: Sec. 5. (a) The fiscal body of each political
23 subdivision shall do the following:

24 (1) After January 1 and before October 1 of 2009 and every two

25 (2) years thereafter:

26 (A) hold a public hearing on a proposed capital projects plan
27 for the political subdivision; and

28 (B) adopt a capital projects plan by ordinance or resolution.

29 (2) **Except as provided in subsection (c)**, submit a copy of the
30 capital projects plan and the ordinance or resolution to the ~~review~~
31 ~~board county council~~ not later than fifteen (15) days following
32 the adoption of the capital projects plan.

33 (b) If a political subdivision contains territory in more than one (1)
34 county, the fiscal body shall transmit a copy of the capital projects plan
35 and the ordinance or resolution to the ~~review board county council~~ of
36 each county in which the political subdivision contains territory.

37 **(c) Subsection (a)(2) does not apply to a county.**

38 SECTION 146. IC 6-1.1-29.5-9, AS ADDED BY P.L.224-2007,
39 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JANUARY 1, 2009]: Sec. 9. (a) The ~~review board county council~~ shall
41 hold a public hearing on a proposed capital projects plan submitted by
42 a political subdivision. The ~~review board county council~~ shall allow
43 the public the opportunity to testify concerning the proposed capital
44 projects plan.

45 (b) The ~~review board county council~~ shall provide the fiscal body
46 of a political subdivision with a written report concerning the ~~review~~

1 ~~board's~~ **county council's** findings and recommendations concerning the
 2 fiscal body's capital projects plan not more than sixty (60) business
 3 days after the ~~review board's~~ **county council's** receipt of the capital
 4 projects plan.

5 (c) If the fiscal body of a political subdivision receives a written
 6 report under subsection (b) that makes a recommendation against an
 7 element included in the political subdivision's capital projects plan, the
 8 political subdivision may retain that element in the capital projects plan
 9 only if the fiscal body at a public meeting addresses the ~~review board's~~
 10 **county council's** concerns and enters into the record of the public
 11 meeting an explanation of why that element should be retained in the
 12 capital projects plan.

13 SECTION 147. IC 6-1.1-29.5-10, AS ADDED BY P.L.224-2007,
 14 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2009]: Sec. 10. (a) **Except as provided in subsection**
 16 **(d)**, the fiscal body of a political subdivision that intends to construct,
 17 acquire, or carry out a capital project subject to this chapter:

18 (1) must submit the plan of the capital project to the ~~review board~~
 19 **county council** in the manner provided by this chapter; and

20 (2) except as provided in section 14 of this chapter, may not:

21 (A) begin construction or acquisition of the capital project;

22 (B) enter into contracts for the construction or acquisition of
 23 the capital project;

24 (C) procure supplies necessary for construction or acquisition
 25 of the capital project;

26 (D) issue bonds, notes, or warrants, or otherwise borrow
 27 money for the capital project;

28 (E) enter into a lease or other agreement that would provide
 29 debt service for bonds or other obligations issued by the
 30 political subdivision or another entity to finance the capital
 31 project; or

32 (F) approve any of the actions described in clauses (A) through
 33 (E) by another entity;

34 unless the ~~review board~~ **county council** approves the capital
 35 project under section 13 of this chapter.

36 (b) If a political subdivision contains territory in more than one (1)
 37 county, the fiscal body of the political subdivision must submit the
 38 proposed capital project to the ~~review board~~ **county council** of each of
 39 those counties.

40 (c) The fiscal body of a political subdivision may not artificially
 41 divide a capital project into multiple capital projects in order to avoid
 42 the requirements of this section.

43 **(d) Subsection (a) does not apply to a county.**

44 SECTION 148. IC 6-1.1-29.5-11, AS ADDED BY P.L.224-2007,
 45 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 46 JANUARY 1, 2009]: Sec. 11. (a) Before the fiscal body of a political

subdivision may submit a capital project described in section 10 of this chapter to the ~~review board~~, **county council**, the fiscal body shall:

- (1) hold a public hearing on the proposed capital project; and
- (2) prepare a feasibility study that supports the scope and cost of the proposed capital project.

Before a public hearing on a proposed capital project is held by the fiscal body of a political subdivision under this section, the fiscal body shall publish a description of the proposed capital project and a notice of the hearing in accordance with IC 5-3-1-2(b).

(b) The fiscal body of a political subdivision may consider multiple capital projects at a public hearing held under this section.

(c) When the fiscal body of a political subdivision holds a public hearing under this section, the fiscal body shall allow any person an opportunity to be heard in the presence of others who are present to testify with respect to the proposed capital project. However, the fiscal body may limit testimony at a public hearing to a reasonable time stated at the opening of the public hearing.

(d) After holding a public hearing under this section and considering all information submitted by persons testifying at the hearing, the fiscal body of a political subdivision may adopt an ordinance or resolution requesting approval of the proposed capital project by the ~~review board~~, **county council**. The fiscal body shall immediately transmit a copy of the ordinance or resolution to the ~~review board~~, **county council**. If the political subdivision contains territory in more than one (1) county, the fiscal body shall transmit a copy of the ordinance or resolution to the ~~review board~~, **county council** of each of those counties.

SECTION 149. IC 6-1.1-29.5-12, AS ADDED BY P.L.224-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 12. (a) Before taking action on a request for approval of a proposed capital project described in section 10 of this chapter, a ~~review board~~ **county council** must conduct a public hearing on the proposed project. If a public hearing is scheduled under this section, the ~~review board~~ **county council** shall publish a description of the proposed capital project and a notice of the hearing in accordance with IC 5-3-1-2(b).

(b) The ~~review board~~ **county council** may consider multiple capital projects at a public hearing held under this section.

(c) The ~~review board~~ **county council** may require the fiscal body of a political subdivision that submits a request for approval of a capital project to provide plans, specifications, cost estimates, estimated impacts on tax rates, and other relevant information concerning that project.

(d) When a ~~review board~~ **county council** holds a public hearing under this section, the ~~review board~~ **county council** shall allow the public an opportunity to testify concerning the proposed capital project.

1 However, the ~~review board~~ **county council** may limit testimony at a
 2 public hearing to a reasonable time stated at the opening of the public
 3 hearing.

4 SECTION 150. IC 6-1.1-29.5-13, AS ADDED BY P.L.224-2007,
 5 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2009]: Sec. 13. (a) After considering all information
 7 submitted at the hearing under section 12 of this chapter by the fiscal
 8 body of the political subdivision and by persons testifying at the
 9 hearing, the ~~review board~~ **county council** may approve or disapprove
 10 a proposed capital project. The ~~review board~~ **county council** may
 11 consider the following factors when reviewing a proposed capital
 12 project:

- 13 (1) The age, condition, and adequacy of existing facilities.
- 14 (2) The cost per square foot of the proposed capital project.
- 15 (3) The relative priority the proposed capital project should have
- 16 among other capital projects proposed within the county.
- 17 (4) The estimated impact the proposed capital project would have
- 18 on tax rates.
- 19 (5) Any other factors considered pertinent by the review board.

20 (b) A ~~review board~~ **county council** may not disapprove a proposed
 21 capital project that is required by a court order.

22 (c) If a ~~review board~~ **county council** does not issue a decision with
 23 respect to a proposed capital project within ninety (90) days after the
 24 ~~review board's~~ **county council's** receipt of the plan of the capital
 25 project under section 11 of this chapter, the capital project is
 26 considered approved by the ~~review board~~ **county council** as submitted.

27 (d) If a proposed capital project is submitted to the ~~review boards~~
 28 **county councils** of two (2) or more counties as required by section
 29 10(b) of this chapter and the project is disapproved by any of the
 30 ~~review boards;~~ **county councils**, the project is considered to be
 31 disapproved.

32 (e) All orders of the ~~review board~~ **county council** under this section
 33 shall be filed with the affected political subdivision and with the
 34 department of local government finance."

35 Page 167, between lines 27 and 28, begin a new paragraph and
 36 insert:

37 "SECTION 197. IC 6-3.5-1.1-15, AS AMENDED BY
 38 P.L.224-2007, SECTION 64, IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) As used in this
 40 section, "attributed allocation amount" of a civil taxing unit for a
 41 calendar year means the sum of:

- 42 (1) the allocation amount of the civil taxing unit for that calendar
 43 year; plus
- 44 (2) the current ad valorem property tax levy of any special taxing
 45 district, authority, board, or other entity formed to discharge
 46 governmental services or functions on behalf of or ordinarily

1 attributable to the civil taxing unit; plus

2 (3) in the case of a county, an amount equal to the property taxes
3 imposed by the county in 1999 for the county's welfare fund and
4 welfare administration fund.

5 (b) The part of a county's certified distribution that is to be used as
6 certified shares shall be allocated only among the county's civil taxing
7 units. Each civil taxing unit of a county is entitled to receive a certified
8 share during a calendar year in an amount determined in STEP TWO
9 of the following formula:

10 STEP ONE: Divide:

11 (A) the attributed allocation amount of the civil taxing unit
12 during that calendar year; by

13 (B) the sum of the attributed allocation amounts of all the civil
14 taxing units of the county during that calendar year.

15 STEP TWO: Multiply the part of the county's certified
16 distribution that is to be used as certified shares by the STEP
17 ONE amount.

18 (c) The local government tax control board established by
19 IC 6-1.1-18.5-11 (before January 1, 2009) or the county ~~board of tax~~
20 ~~and capital projects review~~ **council** (after December 31, 2008) shall
21 determine the attributed levies of civil taxing units that are entitled to
22 receive certified shares during a calendar year. If the ad valorem
23 property tax levy of any special taxing district, authority, board, or
24 other entity is attributed to another civil taxing unit under subsection
25 (a)(2), then the special taxing district, authority, board, or other entity
26 shall not be treated as having an attributed allocation amount of its
27 own. The local government tax control board (before January 1, 2009)
28 or the county ~~board of tax and capital projects review~~ **council** (after
29 December 31, 2008) shall certify the attributed allocation amounts to
30 the appropriate county auditor. The county auditor shall then allocate
31 the certified shares among the civil taxing units of the auditor's county.

32 (d) Certified shares received by a civil taxing unit shall be treated
33 as additional revenue for the purpose of fixing its budget for the
34 calendar year during which the certified shares will be received. The
35 certified shares may be allocated to or appropriated for any purpose,
36 including property tax relief or a transfer of funds to another civil
37 taxing unit whose levy was attributed to the civil taxing unit in the
38 determination of its attributed allocation amount."

39 Page 175, line 24, delete "board of tax and capital" and insert
40 **"council"**.

41 Page 175, line 25, delete "projects review".

42 Page 188, line 11, delete "board of tax and capital" and insert
43 **"council"**.

44 Page 188, line 12, delete "projects review".

45 Page 209, line 8, delete "board of tax and capital projects review."
46 and insert **"council or city-county council."**

Page 209, line 25, delete "board of tax and capital projects review" and insert "**council or city-county council**".

Page 209, line 29, delete "board of tax and capital projects review" and insert "**council or city-county council**".

Page 209, line 30, delete "board" and insert "**council**".

Page 209, line 33, delete "board of tax and capital projects review" and insert "**council or city-county council**".

Page 209, line 34, delete "board of tax and capital projects review" and insert "**council or city-county council**".

Page 210, line 13, delete "board of tax" and insert "**council or city-county council**".

Page 210, line 14, delete "and capital projects review,".

Page 210, line 17, delete "board of tax and" and insert "**council or city-county council**".

Page 210, line 18, delete "capital projects review".

Page 215, after line 42, begin a new paragraph and insert:

"SECTION 216. IC 8-18-21-13, AS AMENDED BY P.L.224-2007, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. The annual operating budget of a toll road authority is subject to review by the county board of tax adjustment (before January 1, 2009) or the county ~~board of tax and capital projects review~~ **council or the city-county council** (after December 31, 2008) and then by the department of local government finance as in the case of other political subdivisions.

SECTION 217. IC 8-22-3.6-3, AS AMENDED BY P.L.224-2007, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) An authority that is located in a:

(1) city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000);

(2) county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000); or

(3) county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000);

may enter into a lease of an airport project with a lessor for a term not to exceed fifty (50) years and the lease may provide for payments to be made by the airport authority from property taxes levied under IC 8-22-3-17, taxes allocated under IC 8-22-3.5-9, any other revenues available to the airport authority, or any combination of these sources.

(b) A lease may provide that payments by the authority to the lessor are required only to the extent and only for the period that the lessor is able to provide the leased facilities in accordance with the lease. The terms of each lease must be based upon the value of the facilities leased and may not create a debt of the authority or the eligible entity for purposes of the Constitution of the State of Indiana.

1 (c) A lease may be entered into by the authority only after a public
 2 hearing by the board at which all interested parties are provided the
 3 opportunity to be heard. After the public hearing, the board may adopt
 4 an ordinance authorizing the execution of the lease if it finds that the
 5 service to be provided throughout the term of the lease will serve the
 6 public purpose of the authority and is in the best interest of the
 7 residents of the authority district.

8 (d) Upon execution of a lease providing for payments by the
 9 authority in whole or in part from the levy of property taxes under
 10 IC 8-22-3-17, the board shall publish notice of the execution of the
 11 lease and its approval in accordance with IC 5-3-1. Fifty (50) or more
 12 taxpayers residing in the authority district who will be affected by the
 13 lease and who may be of the opinion that no necessity exists for the
 14 execution of the lease or that the payments provided for in the lease are
 15 not fair and reasonable may file a petition in the office of the county
 16 auditor within thirty (30) days after the publication of the notice of
 17 execution and approval. The petition must set forth the petitioners'
 18 names, addresses, and objections to the lease and the facts showing that
 19 the execution of the lease is unnecessary or unwise or that the
 20 payments provided for in the lease are not fair and reasonable, as the
 21 case may be.

22 (e) Upon the filing of a petition under subsection (d), the county
 23 auditor shall immediately certify a copy of the petition, together with
 24 any other data necessary to present the questions involved, to the
 25 department of local government finance (before January 1, 2009) or the
 26 county ~~board of tax and capital projects review~~ **fiscal body** (after
 27 December 31, 2008). Upon receipt of the certified petition and
 28 information, the department of local government finance or the county
 29 ~~board of tax and capital projects review~~ **fiscal body** shall fix a time and
 30 place for a hearing in the authority district, which must be not less than
 31 five (5) or more than thirty (30) days after the time is fixed. Notice of
 32 the hearing shall be given by the department of local government
 33 finance to the members of the board, and to the first fifty (50)
 34 petitioners on the petition, by a letter signed by one (1) member of the
 35 state board of tax commissioners or the county ~~board of tax and capital~~
 36 ~~projects review~~ **fiscal body** and enclosed with fully prepaid postage
 37 sent to those persons at their usual place of residence, at least five (5)
 38 days before the date of the hearing. The decision of the department of
 39 local government finance or the county ~~board of tax and capital~~
 40 ~~projects review~~ **fiscal body** on the appeal, upon the necessity for the
 41 execution of the lease, and as to whether the payments under it are fair
 42 and reasonable, is final.

43 (f) An authority entering into a lease payable from any sources
 44 permitted under this chapter may:

- 45 (1) pledge the revenue to make payments under the lease pursuant
 46 to IC 5-1-14-4; or

(2) establish a special fund to make the payments.

(g) Lease rentals may be limited to money in the special fund so that the obligations of the airport authority to make the lease rental payments are not considered debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(h) Except as provided in this section, no approvals of any governmental body or agency are required before the authority enters into a lease under this section.

(i) An action to contest the validity of the lease or to enjoin the performance of any of its terms and conditions must be brought within thirty (30) days after the later of:

(1) the public hearing described in subsection (c); or

(2) the publication of the notice of the execution and approval of the lease described in subsection (d), if the lease is payable in whole or in part from tax levies.

However, if the lease is payable in whole or in part from tax levies and an appeal has been taken to the department of local government finance or the county ~~board of tax and capital projects review~~, **fiscal body**, an action to contest the validity or enjoin the performance must be brought within thirty (30) days after the decision of the department of local government finance or the county ~~board of tax and capital projects review~~: **fiscal body**.

(j) If an authority exercises an option to buy an airport project from a lessor, the authority may subsequently sell the airport project, without regard to any other statute, to the lessor at the end of the lease term at a price set forth in the lease or at fair market value established at the time of the sale by the authority through auction, appraisal, or arms length negotiation. If the airport project is sold at auction, after appraisal, or through negotiation, the board shall conduct a hearing after public notice in accordance with IC 5-3-1 before the sale. Any action to contest the sale must be brought within fifteen (15) days of the hearing."

Page 216, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 220. IC 12-29-1-5, AS AMENDED BY P.L.219-2007, SECTION 96, AND AS AMENDED BY P.L.224-2007, SECTION 101, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. All general Indiana statutes relating to the following apply to the issuance of county bonds under this chapter:

(1) The filing of a petition requesting the issuance of bonds.

(2) The giving of notice of the following:

(A) The filing of the petition requesting the issuance of the bonds.

(B) The determination to issue bonds.

(C) A hearing on the appropriation of the proceeds of the

1 bonds.

2 (3) The right of taxpayers to appear and be heard on the proposed
3 appropriation.

4 (4) The approval of the appropriation by the department of local
5 government finance (*before January 1, 2009*) or the county ~~board~~
6 ~~of tax and capital projects review~~ **council or city-county council**
7 (*after December 31, 2008*).

8 (5) The right of taxpayers *and voters* to remonstrate against the
9 issuance of bonds.

10 SECTION 221. IC 13-18-8-2, AS AMENDED BY P.L.224-2007,
11 SECTION 103, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JANUARY 1, 2009]: Sec. 2. (a) If the offender is a
13 municipal corporation, the cost of:

14 (1) acquisition, construction, repair, alteration, or extension of the
15 necessary plants, machinery, or works; or

16 (2) taking other steps that are necessary to comply with the order;
17 shall be paid out of money on hand available for these purposes or out
18 of the general money of the municipal corporation not otherwise
19 appropriated.

20 (b) If there is not sufficient money on hand or unappropriated, the
21 necessary money shall be raised by the issuance of bonds. The bond
22 issue is subject only to the approval of the department of local
23 government finance (*before January 1, 2009*) or the county ~~board of tax~~
24 ~~and capital projects review~~ **fiscal body** (*after December 31, 2008*).

25 SECTION 222. IC 14-30-2-19, AS AMENDED BY P.L.224-2007,
26 SECTION 104, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JANUARY 1, 2009]: Sec. 19. The commission shall
28 prepare an annual budget for the commission's operation and other
29 expenditures under IC 6-1.1-17. However, the annual budget is not
30 subject to review and modification by the county board of tax
31 adjustment (*before January 1, 2009*) or the county ~~board of tax and~~
32 ~~capital projects review~~ **council or city-county council** (*after December*
33 *31, 2008*) of any county. Notwithstanding any other law, the budget of
34 the commission shall be treated for all other purposes as if the
35 appropriate county board of tax adjustment (*before January 1, 2009*) or
36 the county ~~board of tax and capital projects review~~ **council or**
37 **city-county council** (*after December 31, 2008*) had approved the
38 budget.

39 SECTION 223. IC 14-30-4-16, AS AMENDED BY P.L.224-2007,
40 SECTION 105, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JANUARY 1, 2009]: Sec. 16. (a) The commission shall
42 prepare an annual budget for the commission's operation and other
43 expenditures under IC 6-1.1-17. The annual budget is subject to review
44 and modification by the county board of tax adjustment (*before January*
45 *1, 2009*) or the county ~~board of tax and capital projects review~~ **council**
46 **or city-county council** (*after December 31, 2008*) of any participating

1 county.

2 (b) The commission is not eligible for funding through the Wabash
3 River heritage corridor commission established by IC 14-13-6-6.

4 SECTION 224. IC 14-33-9-1, AS AMENDED BY P.L.224-2007,
5 SECTION 106, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) The budget of a district:

7 (1) must be prepared and submitted:

8 (A) at the same time;

9 (B) in the same manner; and

10 (C) with notice;

11 as is required by statute for the preparation of budgets by
12 municipalities; and

13 (2) is subject to the same review by:

14 (A) the county board of tax adjustment (before January 1,
15 2009) or the county ~~board of tax and capital projects review~~

16 **council or city-county council** (after December 31, 2008);

17 and

18 (B) the department of local government finance;

19 as is required by statute for the budgets of municipalities.

20 (b) If a district is established in more than one (1) county:

21 (1) except as provided in subsection (c), the budget shall be
22 certified to the auditor of the county in which is located the court
23 that had exclusive jurisdiction over the establishment of the
24 district; and

25 (2) notice must be published in each county having land in the
26 district. Any taxpayer in the district is entitled to be heard before
27 the county board of tax adjustment (before January 1, 2009) or the
28 county ~~board of tax and capital projects review council or~~
29 **city-county council** (after December 31, 2008) having
30 jurisdiction.

31 (c) If one (1) of the counties in a district contains either a first or
32 second class city located in whole or in part in the district, the budget:

33 (1) shall be certified to the auditor of that county; and

34 (2) is subject to review at the county level only by the county
35 board of tax adjustment (before January 1, 2009) or the county
36 ~~board of tax and capital projects review council or city-county~~
37 **council** (after December 31, 2008) of that county.".

38 Page 217, between lines 5 and 6, begin a new paragraph and insert:

39 "SECTION 227. IC 20-45-2-3, AS AMENDED BY P.L.224-2007,
40 SECTION 107, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) A school corporation
42 that did not impose a general fund tax levy for the preceding calendar
43 year may not collect a general fund tax levy for the ensuing calendar
44 year until the general fund tax levy (and the related budget,
45 appropriations, and general fund tax rate), after being adopted and
46 advertised, is:

(1) considered by the proper county board of tax adjustment (before January 1, 2009) or the county ~~board of tax and capital projects review~~ **council or city-county council** (after December 31, 2008) as provided by law;

(2) reviewed by the tax control board, which shall make its recommendations in respect to the general fund tax levy to the department; and

(3) approved by the department of local government finance.

(b) For purposes of this article, the school corporation's initial maximum permissible tuition support levy must be based on the taxes collectible in the first full calendar year after the approval.

(c) If territory is transferred from one (1) school corporation to another under IC 20-4-4 (before its repeal), IC 20-3-14 (before its repeal), IC 20-23-5, or IC 20-25-5, maximum permissible tuition support levy and the other terms used in this article shall be interpreted as though the assessed valuation of the territory had been transferred before March 1, 1977, in accordance with rules and a final determination by the department of local government finance.

SECTION 228. IC 20-45-7-20, AS AMENDED BY P.L.224-2007, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 20. (a) The county auditor shall compute the amount of the tax to be levied each year. Before August 2, the county auditor shall certify the amount to the county council.

(b) The tax rate shall be advertised and fixed by the county council in the same manner as other property tax rates. The tax rate shall be subject to all applicable law relating to review by the county board of tax adjustment (before January 1, 2009) or the county ~~board of tax and capital projects review~~ **council or city-county council** (after December 31, 2008) and the department of local government finance.

(c) The department of local government finance shall certify the tax rate at the time it certifies the other county tax rates.

(d) The department of local government finance shall raise or lower the tax rate to the tax rate provided in this chapter, regardless of whether the certified tax rate is below or above the tax rate advertised by the county.

SECTION 229. IC 20-45-8-20, AS AMENDED BY P.L.224-2007, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 20. The tax levy is subject to all laws concerning review by the county board of tax adjustment (before January 1, 2009) or the county ~~board of tax and capital projects review~~ **council or city-county council** (after December 31, 2008) and the department of local government finance."

Page 217, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 231. IC 20-46-7-8, AS AMENDED BY P.L.224-2007,

SECTION 116, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JANUARY 1, 2009]: Sec. 8. (a) A school corporation
must file a petition requesting approval from the department of local
government finance to:

- (1) incur bond indebtedness;
- (2) enter into a lease rental agreement; or
- (3) repay from the debt service fund loans made for the purchase
of school buses under IC 20-27-4-5;

not later than twenty-four (24) months after the first date of publication
of notice of a preliminary determination under IC 6-1.1-20-3.1(2),
unless the school corporation demonstrates that a longer period is
reasonable in light of the school corporation's facts and circumstances.

(b) A school corporation must obtain approval from the department
of local government finance before the school corporation may:

- (1) incur the indebtedness;
- (2) enter into the lease agreement; or
- (3) repay the school bus purchase loan.

(c) This restriction does not apply to property taxes that a school
corporation levies to pay or fund bond or lease rental indebtedness
created or incurred before July 1, 1974. In addition, this restriction does
not apply to a lease agreement or a purchase agreement entered into
between a school corporation and the Indiana bond bank for the lease
or purchase of a school bus under IC 5-1.5-4-1(a)(5), if the lease
agreement or purchase agreement conforms with the school
corporation's ten (10) year school bus replacement plan approved by
the department of local government finance under IC 21-2-11.5-3.1.

(d) This section does not apply to:

- (1) school bus purchase loans made by a school corporation that
will be repaid solely from the general fund of the school
corporation; or
- (2) bonded indebtedness incurred or lease rental agreements
entered into for capital projects approved by a county ~~board of tax
and capital projects review council or city-county council~~ under
IC 6-1.1-29.5 after December 31, 2008.

SECTION 232. IC 20-46-7-9, AS AMENDED BY P.L.224-2007,
SECTION 117, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JANUARY 1, 2009]: Sec. 9. (a) This section applies
only to an obligation described in section 8 of this chapter. This section
does not apply to bonded indebtedness incurred or lease rental
agreements entered into for capital projects approved by a county ~~board
of tax and capital projects review council or city-county council~~ under
IC 6-1.1-29.5 after December 31, 2008.

(b) The department of local government finance may:

- (1) approve;
- (2) disapprove; or
- (3) modify then approve;

1 a school corporation's proposed lease rental agreement, bond issue, or
 2 school bus purchase loan. Before the department of local government
 3 finance approves or disapproves a proposed lease rental agreement,
 4 bond issue, or school bus purchase loan, the department of local
 5 government finance may seek the recommendation of the tax control
 6 board.

7 (c) The department of local government finance shall render a
 8 decision not more than three (3) months after the date the department
 9 of local government finance receives a request for approval under
 10 section 8 of this chapter. However, the department of local government
 11 finance may extend this three (3) month period by an additional three
 12 (3) months if, at least ten (10) days before the end of the original three
 13 (3) month period, the department of local government finance sends
 14 notice of the extension to the executive officer of the school
 15 corporation.

16 SECTION 233. IC 20-46-7-10, AS AMENDED BY P.L.224-2007,
 17 SECTION 118, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JANUARY 1, 2009]: Sec. 10. (a) This section applies
 19 only to an obligation described in section 8 of this chapter. This section
 20 does not apply to bonded indebtedness incurred or lease rental
 21 agreements entered into for capital projects approved by a county ~~board~~
 22 ~~of tax and capital projects review~~ **council or city-county council** under
 23 IC 6-1.1-29.5 after December 31, 2008.

24 (b) The department of local government finance may not approve a
 25 school corporation's proposed lease rental agreement or bond issue to
 26 finance the construction of additional classrooms unless the school
 27 corporation first:

- 28 (1) establishes that additional classroom space is necessary; and
- 29 (2) conducts a feasibility study, holds public hearings, and hears
 30 public testimony on using a twelve (12) month school term
 31 (instead of the nine (9) month school term (as defined in
 32 IC 20-30-2-7)) rather than expanding classroom space.

33 (c) A taxpayer may petition for judicial review of the final
 34 determination of the department of local government finance under this
 35 section. The petition must be filed in the tax court not more than thirty
 36 (30) days after the department of local government finance enters its
 37 order under this section."

38 Page 240, between lines 11 and 12, begin a new paragraph and
 39 insert:

40 "SECTION 255. IC 36-7-14-27.5, AS AMENDED BY
 41 P.L.224-2007, SECTION 121, IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 27.5. (a) The
 43 redevelopment commission may borrow money in anticipation of
 44 receipt of the proceeds of taxes levied for the redevelopment district
 45 bond fund and not yet collected, and may evidence this borrowing by
 46 issuing warrants of the redevelopment district. However, the aggregate

principal amount of warrants issued in anticipation of and payable from the same tax levy or levies may not exceed an amount equal to eighty percent (80%) of that tax levy or levies, as certified by the department of local government finance, or as determined by multiplying the rate of tax as finally approved by the total assessed valuation (after deducting all mortgage deductions) within the redevelopment district, as most recently certified by the county auditor.

(b) The warrants may be authorized and issued at any time after the tax or taxes in anticipation of which they are issued have been levied by the redevelopment commission. For purposes of this section, taxes for any year are considered to be levied upon adoption by the commission of a resolution prescribing the tax levies for the year. However, the warrants may not be delivered and paid for before final approval of the tax levy or levies by the county board of tax adjustment (before January 1, 2009), the county ~~board of tax and capital projects review~~ **fiscal body** (after December 31, 2008), or, if appealed, by the department of local government finance, unless the issuance of the warrants has been approved by the department.

(c) All action that this section requires or authorizes the redevelopment commission to take may be taken by resolution, which need not be published or posted. The resolution takes effect immediately upon its adoption by the redevelopment commission. An action to contest the validity of tax anticipation warrants may not be brought later than ten (10) days after the sale date.

(d) In their resolution authorizing the warrants, the redevelopment commission must provide that the warrants mature at a time or times not later than December 31 after the year in which the taxes in anticipation of which the warrants are issued are due and payable.

(e) In their resolution authorizing the warrants, the redevelopment commission may provide:

- (1) the date of the warrants;
- (2) the interest rate of the warrants;
- (3) the time of interest payments on the warrants;
- (4) the denomination of the warrants;
- (5) the form either registered or payable to bearer, of the warrants;
- (6) the place or places of payment of the warrants, either inside or outside the state;
- (7) the medium of payment of the warrants;
- (8) the terms of redemption, if any, of the warrants, at a price not exceeding par value and accrued interest;
- (9) the manner of execution of the warrants; and
- (10) that all costs incurred in connection with the issuance of the warrants may be paid from the proceeds of the warrants.

(f) The warrants shall be sold for not less than par value, after notice inviting bids has been published under IC 5-3-1. The redevelopment commission may also publish the notice in other newspapers or

1 financial journals.

2 (g) Warrants and the interest on them are not subject to any
3 limitation contained in section 25.1 of this chapter, and are payable
4 solely from the proceeds of the tax levy or levies in anticipation of
5 which the warrants were issued. The authorizing resolution must
6 pledge a sufficient amount of the proceeds of the tax levy or levies to
7 the payment of the warrants and the interest.

8 SECTION 256. IC 36-7-15.1-26.9, AS AMENDED BY
9 P.L.224-2007, SECTION 122, IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 26.9. (a) The
11 definitions set forth in section 26.5 of this chapter apply to this section.

12 (b) The fiscal officer of the consolidated city shall publish in the
13 newspaper in the county with the largest circulation all determinations
14 made under section 26.5 or 26.7 of this chapter that result in the
15 allowance or disallowance of credits. The publication of a
16 determination made under section 26.5 of this chapter shall be made
17 not later than June 20 of the year in which the determination is made.
18 The publication of a determination made under section 26.7 of this
19 chapter shall be made not later than December 5 of the year in which
20 the determination is made.

21 (c) If credits are granted under section 26.5(g) or 26.5(h) of this
22 chapter, whether in whole or in part, property taxes on personal
23 property (as defined in IC 6-1.1-1-11) that are equal to the aggregate
24 amounts of the credits for all taxpayers in the allocation area under
25 section 26.5(g) and 26.5(h) of this chapter shall be:

- 26 (1) allocated to the redevelopment district;
- 27 (2) paid into the special fund for that allocation area; and
- 28 (3) used for the purposes specified in section 26 of this chapter.

29 (d) The county auditor shall adjust the estimate of assessed
30 valuation that the auditor certifies under IC 6-1.1-17-1 for all taxing
31 units in which the allocation area is located. The county auditor may
32 amend this adjustment at any time before the earliest date a taxing unit
33 must publish the unit's proposed property tax rate under IC 6-1.1-17-3
34 in the year preceding the year in which the credits under section
35 26.5(g) or 26.5(h) of this chapter are paid. The auditor's adjustment to
36 the assessed valuation shall be:

- 37 (1) calculated to produce an estimated assessed valuation that will
38 offset the effect that paying personal property taxes into the
39 allocation area special fund under subsection (c) would otherwise
40 have on the ability of a taxing unit to achieve the taxing unit's tax
41 levy in the following year; and
- 42 (2) used by the county board of tax adjustment (before January 1,
43 2009) or the county ~~board of tax and capital projects review~~ **fiscal**
44 **body** (after December 31, 2008), the department of local
45 government finance, and each taxing unit in determining each
46 taxing unit's tax rate and tax levy in the following year.

(e) The amount by which a taxing unit's levy is adjusted as a result of the county auditor's adjustment of assessed valuation under subsection (d), and the amount of the levy that is used to make direct payments to taxpayers under section 26.5(h) of this chapter, is not part of the total county tax levy under IC 6-1.1-21-2(g) and is not subject to IC 6-1.1-20.

(f) The ad valorem property tax levy limits imposed by IC 6-1.1-18.5-3 and IC 20-45-3 do not apply to ad valorem property taxes imposed that are used to offset the effect of paying personal property taxes into an allocation area special fund during the taxable year under subsection (d) or to make direct payments to taxpayers under section 26.5(h) of this chapter. For purposes of computing the ad valorem property tax levy limits imposed under IC 6-1.1-18.5-3 and IC 20-45-3, a taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed to offset the effect of paying personal property taxes into an allocation area special fund under subsection (d) or to make direct payments to taxpayers under section 26.5(h) of this chapter.

(g) Property taxes on personal property that are deposited in the allocation area special fund:

(1) are subject to any pledge of allocated property tax proceeds made by the redevelopment district under section 26(d) of this chapter, including but not limited to any pledge made to owners of outstanding bonds of the redevelopment district of allocated taxes from that area; and

(2) may not be treated as property taxes used to pay interest or principal due on debt under IC 6-1.1-21-2(g)(1)(D)."

Page 243, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 260. IC 36-8-6-5, AS AMENDED BY P.L.224-2007, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. (a) If the local board determines that the total amount of money available for a year will be insufficient to pay the benefits, pensions, and retirement allowances the local board is obligated to pay under this chapter, the local board shall, before the date on which the budget of the municipality is adopted, prepare an itemized estimate in the form prescribed by the state board of accounts of the amount of money that will be receipted into and disbursed from the 1925 fund during the next fiscal year. The estimated receipts consist of the items enumerated in section 4(a) of this chapter. The estimated disbursements consist of an estimate of the amount of money that will be needed by the local board during the next fiscal year to defray the expenses and obligations incurred and that will be incurred by the local board in making the payments prescribed by this chapter to retired members, to members who are eligible to and expect to retire during the ensuing fiscal year, and to the dependents of

1 deceased members.

2 (b) The local board may provide in its annual budget and pay all
 3 necessary expenses of operating the 1925 fund, including the payment
 4 of all costs of litigation and attorney fees arising in connection with the
 5 fund, as well as the payment of benefits and pensions. Notwithstanding
 6 any other law, neither the municipal legislative body, the county board
 7 of tax adjustment (before January 1, 2009), the county ~~board of tax and~~
 8 ~~capital projects review~~ **fiscal body** (after December 31, 2008), nor the
 9 department of local government finance may reduce an item of
 10 expenditure.

11 (c) At the time when the estimates are prepared and submitted, the
 12 local board shall also prepare and submit a certified statement showing:

13 (1) the name, age, and date of retirement of each retired member
 14 and the monthly and yearly amount of the payment to which the
 15 retired member is entitled;

16 (2) the name and age of each member who is eligible to and
 17 expects to retire during the next fiscal year, the date on which the
 18 member expects to retire, and the monthly and yearly amount of
 19 the payment that the member will be entitled to receive; and

20 (3) the name and age of each dependent, the date on which the
 21 dependent became a dependent, the date on which the dependent
 22 will cease to be a dependent by reason of attaining the age at
 23 which dependents cease to be dependents, and the monthly and
 24 yearly amount of the payment to which the dependent is entitled.

25 (d) The total receipts shall be deducted from the total expenditures
 26 stated in the itemized estimate and the amount of the excess of the
 27 estimated expenditures over the estimated receipts shall be paid by the
 28 municipality in the same manner as other expenses of the municipality
 29 are paid. A tax levy shall be made annually for this purpose, as
 30 provided in subsection (e). The estimates submitted shall be prepared
 31 and filed in the same manner and form and at the same time that
 32 estimates of other municipal offices and departments are prepared and
 33 filed.

34 (e) The municipal legislative body shall levy an annual tax in the
 35 amount and at the rate that are necessary to produce the revenue to pay
 36 that part of the police pensions that the municipality is obligated to pay.
 37 All money derived from the levy is for the exclusive use of the police
 38 pensions and benefits. The amounts in the estimated disbursements, if
 39 found to be correct and in conformity with the data submitted in the
 40 certified statement, are a binding obligation upon the municipality. The
 41 legislative body shall make a levy for them that will yield an amount
 42 equal to the estimated disbursements, less the amount of the estimated
 43 receipts. Notwithstanding any other law, neither the county board of tax
 44 adjustment (before January 1, 2009), the county ~~board of tax and~~
 45 ~~capital projects review~~ **fiscal body** (after December 31, 2008), nor the
 46 department of local government finance may reduce the levy.

SECTION 261. IC 36-8-7-14, AS AMENDED BY P.L.224-2007, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 14. (a) The local board shall meet annually and prepare an itemized estimate, in the form prescribed by the state board of accounts, of the amount of money that will be receipted into and disbursed from the 1937 fund during the next fiscal year. The estimated receipts consist of the items enumerated in section 8 of this chapter. The estimated disbursements must be divided into two (2) parts, designated as part 1 and part 2.

(b) Part 1 of the estimated disbursements consists of an estimate of the amount of money that will be needed by the local board during the next fiscal year to defray the expenses and obligations incurred and that will be incurred by the local board in making the payments prescribed by this chapter to retired members, to members who are eligible to and expect to retire during the next fiscal year, and to the dependents of deceased members. Part 2 of the estimated disbursements consists of an estimate of the amount of money that will be needed to pay death benefits and other expenditures that are authorized or required by this chapter.

(c) At the time when the estimates are prepared and submitted, the local board shall also prepare and submit a certified statement showing the following:

(1) The name, age, and date of retirement of each retired member and the monthly and yearly amount of the payment to which the retired member is entitled.

(2) The name and age of each member who is eligible to and expects to retire during the next fiscal year, the date on which the member expects to retire, and the monthly and yearly amount of the payment that the member will be entitled to receive.

(3) The name and the age of each dependent, the date on which the dependent became a dependent, the date on which the dependent will cease to be a dependent by reason of attaining the age at which dependents cease to be dependents, and the monthly and yearly amount of the payment to which the dependent is entitled.

(4) The amount that would be required for the next fiscal year to maintain level cost funding during the active fund members' employment on an actuarial basis.

(5) The amount that would be required for the next fiscal year to amortize accrued liability for active members, retired members, and dependents over a period determined by the local board, but not to exceed forty (40) years.

(d) The total receipts shall be deducted from the total expenditures as listed in the itemized estimate. The amount of the excess of the estimated expenditures over the estimated receipts shall be paid by the unit in the same manner as other expenses of the unit are paid, and an

1 appropriation shall be made annually for that purpose. The estimates
 2 submitted shall be prepared and filed in the same manner and form and
 3 at the same time that estimates of other offices and departments of the
 4 unit are prepared and filed.

5 (e) The estimates shall be made a part of the annual budget of the
 6 unit. When revising the estimates, the executive, the fiscal officer, and
 7 other fiduciary officers may not reduce the items in part 1 of the
 8 estimated disbursements.

9 (f) The unit's fiscal body shall make the appropriations necessary to
 10 pay that proportion of the budget of the 1937 fund that the unit is
 11 obligated to pay under subsection (d). In addition, the fiscal body may
 12 make appropriations for purposes of subsection (c)(4), (c)(5), or both.
 13 All appropriations shall be made to the local board for the exclusive
 14 use of the 1937 fund. The amounts listed in part 1 of the estimated
 15 disbursements, if found to be correct and in conformity with the data
 16 submitted in the certified statement, are a binding obligation upon the
 17 unit. Notwithstanding any other law, neither the county board of tax
 18 adjustment (before January 1, 2009), the county ~~board of tax and~~
 19 ~~capital projects review~~ **fiscal body** (after December 31, 2008), nor the
 20 department of local government finance may reduce the appropriations
 21 made to pay the amount equal to estimated disbursements minus
 22 estimated receipts.

23 SECTION 262. IC 36-8-7-22, AS AMENDED BY P.L.224-2007,
 24 SECTION 125, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JANUARY 1, 2009]: Sec. 22. The 1937 fund may not
 26 be, either before or after an order for distribution to members of the fire
 27 department or to the surviving spouses or guardians of a child or
 28 children of a deceased, disabled, or retired member, held, seized, taken,
 29 subjected to, detained, or levied on by virtue of an attachment,
 30 execution, judgment, writ, interlocutory or other order, decree, or
 31 process, or proceedings of any nature issued out of or by a court in any
 32 state for the payment or satisfaction, in whole or in part, of a debt,
 33 damages, demand, claim, judgment, fine, or amercement of the
 34 member or the member's surviving spouse or children. The 1937 fund
 35 shall be kept and distributed only for the purpose of pensioning the
 36 persons named in this chapter. The local board may, however, annually
 37 expend an amount from the 1937 fund that it considers proper for the
 38 necessary expenses connected with the fund. Notwithstanding any
 39 other law, neither the fiscal body, the county board of tax adjustment
 40 (before January 1, 2009), the county ~~board of tax and capital projects~~
 41 ~~review~~ **fiscal body** (after December 31, 2008), nor the department of
 42 local government finance may reduce these expenditures.

43 SECTION 263. IC 36-8-7.5-10, AS AMENDED BY P.L.224-2007,
 44 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 45 [EFFECTIVE JANUARY 1, 2009]: Sec. 10. (a) If the local board
 46 determines that the total amount of money available for a year will be

insufficient to pay the benefits, pensions, and retirement allowances the local board is obligated to pay under this chapter, the local board shall, before the date on which the budget of the police special service district is adopted, prepare an itemized estimate in the form prescribed by the state board of accounts of the amount of money that will be receipted into and disbursed from the 1953 fund during the next fiscal year. The estimated receipts consist of the items enumerated in section 8 of this chapter. The estimated disbursements consist of an estimate of the amount of money that will be needed by the local board during the next fiscal year to defray the expenses and obligations incurred and that will be incurred by the local board in making the payments prescribed by this chapter to retired members, to members who are eligible and expect to retire during the ensuing fiscal year, and to the dependents of deceased members.

(b) At the time when the estimates are prepared and submitted, the local board shall also prepare and submit a certified statement showing:

(1) the estimated number of beneficiaries from the 1953 fund during the ensuing fiscal year in each of the various classifications of beneficiaries as prescribed in this chapter, and the names and amount of benefits being paid to those actively on the list of beneficiaries at that time;

(2) the name, age, and length of service of each member of the police department who is eligible to and expects to retire during the ensuing fiscal year, and the monthly and yearly amounts of the payment that the member will be entitled to receive; and

(3) the name and age of each dependent of a member of the police department who is then receiving benefits, the date on which the dependent commenced drawing benefits, and the date on which the dependent will cease to be a dependent by reason of attaining the age limit prescribed by this chapter, and the monthly and yearly amounts of the payments to which each of the dependents is entitled.

(c) After the amounts of receipts and disbursements shown in the itemized estimate are fixed and approved by the executive, fiscal officer, legislative body and other bodies, as provided by law for other municipal funds, the total receipts shall be deducted from the total expenditures stated in the itemized estimate, and the amount of the excess shall be paid by the police special service district in the same manner as other expenses of the district are paid. The legislative body shall levy a tax and the money derived from the levy shall, when collected, be credited exclusively to the 1953 fund. The tax shall be levied in the amount and at the rate that is necessary to produce sufficient revenue to equal the deficit. Notwithstanding any other law, neither the county board of tax adjustment (before January 1, 2009), the county board of tax and capital projects review fiscal body (after December 31, 2008), nor the department of local government finance

1 may reduce the tax levy.

2 SECTION 264. IC 36-8-11-18, AS AMENDED BY P.L.224-2007,
3 SECTION 127, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JANUARY 1, 2009]: Sec. 18. (a) The board shall
5 annually budget the necessary money to meet the expenses of operation
6 and maintenance of the district, including repairs, fees, salaries,
7 depreciation on all depreciable assets, rents, supplies, contingencies,
8 bond redemption, and all other expenses lawfully incurred by the
9 district. After estimating expenses and receipts of money, the board
10 shall establish the tax levy required to fund the estimated budget.

11 (b) The budget must be approved by the fiscal body of the county,
12 the county board of tax adjustment (before January 1, 2009), the county
13 ~~board of tax and capital projects review~~ **fiscal body** (after December
14 31, 2008), and the department of local government finance.

15 (c) Upon approval by the department of local government finance,
16 the board shall certify the approved tax levy to the auditor of the county
17 having land within the district. The auditor shall have the levy entered
18 on the county treasurer's tax records for collection. After collection of
19 the taxes the auditor shall issue a warrant on the treasurer to transfer
20 the revenues collected to the board, as provided by statute.

21 SECTION 265. IC 36-8-11-22.1, AS AMENDED BY P.L.224-2007,
22 SECTION 128, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JANUARY 1, 2009]: Sec. 22.1. (a) This section applies
24 to a district that consists of a municipality that is located in two (2)
25 counties.

26 (b) This section does not apply to a merged district under section 23
27 of this chapter.

28 (c) Sections 6 and 7 of this chapter apply to the petition.

29 (d) The board of fire trustees for the district shall be appointed as
30 prescribed by section 12 of this chapter. However, the legislative body
31 of each county within which the district is located shall jointly appoint
32 one (1) trustee from each township or part of a township contained in
33 the district and one (1) trustee from the municipality contained in the
34 district. The legislative body of each county shall jointly appoint a
35 member to fill a vacancy.

36 (e) Sections 13, 14, and 15 of this chapter relating to the board of
37 fire trustees apply to the board of the district. However, the county
38 legislative bodies serving the district shall jointly decide where the
39 board shall locate (or approve location of) its office.

40 (f) Sections 16, 17, 18, 19, and 21 of this chapter relating to the
41 taxing district, bonds, annual budget, tax levies, and disbanding of fire
42 departments apply to the district. However, the budget must be
43 approved by the county fiscal body and county board of tax adjustment
44 (before January 1, 2009) or the county ~~board of tax and capital projects~~
45 **review fiscal body** (after December 31, 2008) in each county in the
46 district. In addition, the auditor of each county in the district shall

1 perform the duties described in section 18(c) of this chapter.

2 SECTION 266. IC 36-8-11-23, AS AMENDED BY P.L.224-2007,
3 SECTION 129, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JANUARY 1, 2009]: Sec. 23. (a) Any fire protection
5 district may merge with one (1) or more protection districts to form a
6 single district if at least one-eighth (1/8) of the aggregate external
7 boundaries of the districts coincide.

8 (b) The legislative body of the county where at least two (2) districts
9 are located (or if the districts are located in more than one (1) county,
10 the legislative body of each county) shall, if petitioned by freeholders
11 in the two (2) districts, adopt an ordinance merging the districts into a
12 single fire protection district.

13 (c) Freeholders who desire the merger of at least two (2) fire
14 protection districts must initiate proceedings by filing a petition in the
15 office of the county auditor of each county where a district is located.
16 The petition must be signed:

17 (1) by at least twenty percent (20%), with a minimum of five
18 hundred (500) from each district, of the freeholders owning land
19 within the district; or

20 (2) by a majority of the freeholders from the districts;
21 whichever is less.

22 (d) The petition described in subsection (c) must state the same
23 items listed in section 7 of this chapter. Sections 6, 8, and 9 of this
24 chapter apply to the petition and to the legislative body of each county
25 in the proposed district.

26 (e) The board of fire trustees for each district shall form a single
27 board, which shall continue to be appointed as prescribed by section 12
28 of this chapter. In addition, sections 13, 14, and 15 of this chapter
29 relating to the board of fire trustees apply to the board of the merged
30 district, except that if the merged district lies in more than one (1)
31 county, the county legislative bodies serving the combined district shall
32 jointly decide where the board shall locate (or approve relocation of)
33 its office.

34 (f) Sections 16, 17, 18, 19, and 21 of this chapter relating to the
35 taxing district, bonds, annual budget, tax levies, and disbanding of fire
36 departments apply to a merged district. However, the budget must be
37 approved by the county fiscal body and county board of tax adjustment
38 (before January 1, 2009) or the county ~~board of tax and capital projects~~
39 **review fiscal body** (after December 31, 2008) in each county in the
40 merged district. In addition, the auditor of each county in the district
41 shall perform the duties described in section 18(c) of this chapter.

42 SECTION 267. IC 36-8-13-4.7, AS AMENDED BY P.L.224-2007,
43 SECTION 130, IS AMENDED TO READ AS FOLLOWS
44 [EFFECTIVE JANUARY 1, 2009]: Sec. 4.7. (a) For a township that
45 elects to have the township provide fire protection and emergency
46 services under section 3(c) of this chapter, the department of local

government finance shall adjust the township's maximum permissible levy in the year following the year in which the change is elected, as determined under IC 6-1.1-18.5-3, to reflect the change from providing fire protection or emergency services under a contract between the municipality and the township to allowing the township to impose a property tax levy on the taxable property located within the corporate boundaries of each municipality. For the ensuing calendar year, the township's maximum permissible property tax levy shall be increased by the product of:

- (1) one and five-hundredths (1.05); multiplied by
- (2) the amount the township contracted or billed to receive, regardless of whether the amount was collected:
 - (A) in the year in which the change is elected; and
 - (B) as fire protection or emergency service payments from the municipalities or residents of the municipalities covered by the election under section 3(c) of this chapter.

The maximum permissible levy for a general fund or other fund of a municipality covered by the election under section 3(c) of this chapter shall be reduced for the ensuing calendar year to reflect the change to allowing the township to impose a property tax levy on the taxable property located within the corporate boundaries of the municipality. The total reduction in the maximum permissible levies for all electing municipalities must equal the amount that the maximum permissible levy for the township is increased under this subsection for contracts or billings, regardless of whether the amount was collected, less the amount actually paid from sources other than property tax revenue.

(b) For purposes of determining a township's and each municipality's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-3 for years following the first year after the year in which the change is elected, a township's and each municipality's maximum permissible ad valorem property tax levy is the levy after the adjustment made under subsection (a).

(c) The township may use the amount of a maximum permissible property tax levy computed under this section in setting budgets and property tax levies for any year in which the election in section 3(c) of this chapter is in effect. A county board of tax adjustment (before January 1, 2009) or the county ~~board of tax and capital projects review~~ **fiscal body** (after December 31, 2008) may not reduce a budget or tax levy solely because the budget or levy is based on the maximum permissible property tax levy computed under this section.

(d) Section 4.6 of this chapter does not apply to a property tax levy or a maximum property tax levy subject to this section.

SECTION 268. IC 36-8-15-19, AS AMENDED BY P.L.148-2007, SECTION 9, AND P.L.195-2007, SECTION 10, AND AS AMENDED BY P.L.224-2007, SECTION 131, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 19.

(a) This subsection applies to a county ~~not having a consolidated city that has a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000)~~. For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for that levy may not exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation.

(b) This subsection applies to a county having a consolidated city. The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under IC 6-3.5-6-17. To make such an election, the county fiscal body must adopt an ordinance before September 1 of the immediately preceding calendar year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to fund the operation of the district. If the county fiscal body adopts such an ordinance, it shall immediately send a copy of the ordinance to the county auditor.

(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the local government tax control board (*before January 1, 2009*) or the county ~~board of tax and capital projects review~~ **fiscal body** (*after December 31, 2008*) shall, for property taxes first due and payable during the year after the adoption of the ordinance, adjust the maximum permissible ad valorem property tax levy limits of the district and the units participating in the district.

(d) If a unit by ordinance or resolution joins the district or elects to have its public safety agencies served by the district, the local government tax control board (*before January 1, 2009*) or the county ~~board of tax and capital projects review~~ **fiscal body** (*after December 31, 2008*) shall reduce the maximum permissible ad valorem property tax levy of the unit for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amount budgeted by the unit for public safety communication services in the year in which the ordinance was adopted. If such an ordinance or resolution is adopted, the district shall refer its proposed budget, ad valorem property tax levy, and property tax rate for the following year to the board, which shall review and set the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.

(e) If a unit by ordinance or resolution withdraws from the district or rescinds its election to have its public safety agencies served by the district, the local government tax control board (*before January 1,*

2009) or the county ~~board of tax and capital projects review~~ **fiscal body** (after December 31, 2008) shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being levied by the district within that unit. If such an ordinance or resolution is adopted, the unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public safety communication services to the board, which shall review and set the budget, levy, and rate as though the unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district.

(g) *A county that has adopted an ordinance under section 1(3) of this chapter may not impose an ad valorem property tax levy on property within the district to fund the operation or implementation of the district.*

SECTION 269. IC 36-9-3-29, AS AMENDED BY P.L.224-2007, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 29. The board shall prepare an annual budget for the authority's operating and maintenance expenditures and necessary capital expenditures. Each annual budget is subject to review and modification by the:

(1) fiscal body of the county or municipality that establishes the authority; and

(2) county board of tax adjustment (before January 1, 2009) or the county ~~board of tax and capital projects review~~ **fiscal body** (after December 31, 2008) and the department of local government finance under IC 6-1.1-17.

SECTION 270. IC 36-9-4-47, AS AMENDED BY P.L.224-2007, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 47. (a) The board of directors of a public transportation corporation may:

(1) borrow money in anticipation of receipt of the proceeds of taxes that have been levied by the board and have not yet been collected; and

(2) evidence this borrowing by issuing warrants of the corporation.

The money that is borrowed may be used by the corporation for payment of principal and interest on its bonds or for payment of current operating expenses.

(b) The warrants:

(1) bear the date or dates;

(2) mature at the time or times on or before December 31

following the year in which the taxes in anticipation of which the warrants are issued are due and payable;

(3) bear interest at the rate or rates and are payable at the time or times;

(4) may be in the denominations;

(5) may be in the forms, either registered or payable to bearer;

(6) are payable at the place or places, either inside or outside Indiana;

(7) are payable in the medium of payment;

(8) are subject to redemption upon the terms, including a price not exceeding par and accrued interest; and

(9) may be executed by the officers of the corporation in the manner;

provided by resolution of the board of directors. The resolution may also authorize the board to pay from the proceeds of the warrants all costs incurred in connection with the issuance of the warrants.

(c) The warrants may be authorized and issued at any time after the board of directors levies the tax or taxes in anticipation of which the warrants are issued.

(d) The warrants may be sold for not less than par value after notice inviting bids has been published in accordance with IC 5-3-1. The board of directors may also publish the notice inviting bids in other newspapers or financial journals.

(e) After the warrants are sold, they may be delivered and paid for at one (1) time or in installments.

(f) The aggregate principal amount of warrants issued in anticipation of and payable from the same tax levy or levies may not exceed eighty percent (80%) of the levy or levies, as the amount of the levy or levies is certified by the department of local government finance, or as is determined by multiplying the rate of tax as finally approved by the total assessed valuation of taxable property within the taxing district of the public transportation corporation as most recently certified by the county auditor.

(g) For purposes of this section, taxes for any year are considered to be levied when the board of directors adopts the ordinance prescribing the tax levies for the year. However, warrants may not be delivered and paid for before final approval of a tax levy or levies by the county board of tax adjustment (before January 1, 2009) or the county ~~board of tax and capital projects review~~ **fiscal body** (after December 31, 2008) (or, if appealed, by the department of local government finance) unless the issuance of the warrants has been approved by the department of local government finance.

(h) The warrants and the interest on them are not subject to sections 43 and 44 of this chapter and are payable solely from the proceeds of the tax levy or levies in anticipation of which the warrants were issued. The authorizing resolution must pledge a sufficient amount of the

proceeds of the tax levy or levies to the payment of the warrants and the interest.

(i) All actions of the board of directors under this section may be taken by resolution, which need not be published or posted. The resolution takes effect immediately upon its adoption by a majority of the members of the board of directors.

(j) An action to contest the validity of any tax anticipation warrants may not be brought later than ten (10) days after the sale date."

Page 244, between lines 2 and 3, begin a new paragraph and insert:
"SECTION 272. IC 36-9-13-35, AS AMENDED BY P.L.224-2007, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 35. The annual operating budget of a building authority is subject to review by the county board of tax adjustment (before January 1, 2009) or the county **board of tax and capital projects review fiscal body** (after December 31, 2008) and then by the department of local government finance as in the case of other political subdivisions.

SECTION 273. IC 36-12-14-2, AS AMENDED BY P.L.224-2007, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. An appointed library board subject to section 1 of this chapter shall submit its proposed operating budget and property tax levy for the operating budget to the following fiscal body at least fourteen (14) days before the first meeting of the county board of tax adjustment (before January 1, 2009) or the county **board of tax and capital projects review fiscal body** (after December 31, 2008): ~~under IC 6-1-1-29-4:~~

(1) If the library district is located entirely within the corporate boundaries of a municipality, the fiscal body of the municipality.

(2) If the library district:

(A) is not described by subdivision (1); and

(B) is located entirely within the boundaries of a township; the fiscal body of the township.

(3) If the library district is not described by subdivision (1) or (2), the fiscal body of each county in which the library district is located."

Page 244, line 12, after "IC 3-10-2-14;" insert "IC 3-11-2-12.8;".

- 1 Page 244, line 18, delete "IC 6-1.1-29-9;" and insert "IC 6-1.1-29;
- 2 IC 6-1.1-29.5-4;".
- 3 Page 245, delete lines 19 through 25.
- 4 Renumber all SECTIONS consecutively.
 (Reference is to HB 1001 as printed January 17, 2008.)

Representative Welch